



W.P(MD)No.15275 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P(MD)No.15275 of 2019

Periyasamy

... Petitioner

vs.

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Block Development Officer (Village Panchayat),
Manamadurai Circle, Manamadurai Town,
Sivagangai District.

3.The Tahsildar,
Manamadurai Taluk,
Manamadurai, Sivagangai District.

4.Eswanamoorthy

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to evict the fourth respondent's encroachment in the said public street corner in Survey No.11/18, Thuthikulam Village, Manamadurai Taluk, Sivagangai District within the time frame to be fixed by this Court by ignoring the vexatious suit not with reference to this particular Survey No. 11/18.

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For Petitioner : Mr.K.Sathiya Singh
For RR 1 to 3 : Mr.G.V.Vairam Santhosh
Additional Government Pleader
For R – 4 : No appearance

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent at a public street corner in Survey No.11/18, Thuthikulam Village, Manamadurai Taluk, Sivagangai District within a time frame.

2. Today, when the matter was taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1 to 3, submitted that subsequent to the filing of the Writ Petition, the survey conducted by the authorities revealed that the petitioner has encroached 0.00.10 square meter of sakar poramboke land in Survey No.11/8 and one Valli, wife of the fourth respondent also encroached 0.00.43 square meter and therefore Form – I notice, dated 23.09.2022 has been issued to the Block Development Officer, Manamadurai to remove the encroachments and



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also produced the proceedings of the Tahsildar, Manamadurai in Na.Ka.No.A6/5948/2022, dated 24.09.2022, addressed to him.

3. The said submission and communication, dated 24.09.2022 are not refuted by the learned counsel for the petitioner.

4. Recording the abovesaid submission of the learned Additional Government Pleader, this Writ Petition is disposed of directing the authorities concerned to remove the encroachments pointed out in the aforesaid communication, dated 24.09.2022, after affording sufficient opportunity of hearing to all the parties concerned and by due process of law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D.,J.] [J.S.N.P.,J.]
13.10.2022

Index : Yes / No
Internet : Yes
ps



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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

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